IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 31807 of 2006(J)

PETITIONER:

REV.R.VIJAYAKUMAR, MISSION HOUSE,
LUTHERAN CHURCH, KANJIRAMKULAM P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.V.GIRI

RESPONDENTS:
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1. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

2. REV.C.H.ALFRED, CALVARY LUTHERAN CHURCH,
PEROORKADA, THIRUVANANTHAPURAM.

3. INDIAN EVANGELICAL LUTHERAN CHURCH,
CENTRAL OFFICE, NAGERCOIL, REPRESENTED BY THE
SECRETARY.

BY ADV. SRI.D.KISHORE
SRI.P.GOPALAKRISHNAN NAIR
G.P.SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No.31807 OF 2006

Dated this the 13th day of December,2006.

JUDGMENT

Petitioner challenges Ext.P21 order passed by the first respondent. Against that order, petitioner has an alternate remedy by way of revision under Rule 4 (4) of Chapter III of K.E.R. It is pointed out by the learned counsel for the petitioner that subsequent to the filing of the writ petition, petitioner has filed a revision within the meaning of Rule 4(4).

2. In such circumstances, petitioner should be relegated to pursue the alternate remedy. However, petitioner would point out that the approval of appointment of the second respondent vide Ext.P21 is totally without any basis. Of course, it is disputed by the second respondent. But at the same time I feel that some safe guard should be provided to govern the situation till a decision is taken in the revision.

3. In such circumstances, the writ petition is disposed of as follows:

There will be a direction to the Secretary to Government,

Education Department, Govt. of Kerala to dispose of Revision Petition No.69761-F3/06 filed by the petitioner against Ext.P21 order after hearing all the affected parties and a decision will be taken in accordance with law within a period of six weeks from the date of receipt of a copy of this judgment. Till a decision is taken, it is ordered that second respondent shall not make any appointment. Further it is ordered that any appointment made by the second respondent after 08-06-05 shall not be approved till a decision is taken by the revisional authority. Even though it is stated in the revision that it is under Rule 92, learned counsel for the petitioner contends that it is only a mis-quoting of the provision. The revision shall be dealt with as if it is a revision under Rule 4(4) of Chapter III of K.E.R.

Writ petition is disposed of as above.

K.M.JOSEPH.
JUDGE.

sv.